



House of Representatives

General Assembly

File No. 316

February Session, 2008

Substitute House Bill No. 5774

House of Representatives, March 31, 2008

The Committee on General Law reported through REP. STONE of the 9th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING RESIDENTIAL INTERIOR DECORATORS AND THE REGISTRATION OF LOCKSMITHS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) For purposes of sections 2 to
2 8, inclusive, of this act, "residential interior decorator" means a person
3 who provides decorator services for single family private dwellings.

4 Sec. 2. (NEW) (*Effective July 1, 2008*) No person shall use the title
5 residential interior decorator or display or use any words, letters,
6 figures, title, advertisement or other device to indicate that he or she is
7 a registered residential interior decorator, unless he or she has
8 obtained a certificate of registration pursuant to section 5 of this act.

9 Sec. 3. (NEW) (*Effective July 1, 2008*) (a) A person seeking a certificate
10 of registration as a residential interior decorator shall apply to the
11 Commissioner of Consumer Protection, in writing, on a form provided
12 by the commissioner. Such application shall include the applicant's
13 name, residence address, business address and such other information

14 as the commissioner may by regulation require.

15 (b) Each application for a certificate of registration pursuant to
16 subsection (a) of this section shall be accompanied by a fee of one
17 hundred fifty dollars.

18 Sec. 4. (NEW) (*Effective July 1, 2008*) (a) Except as provided in
19 subsection (b) of this section, no person shall be issued a certificate of
20 registration as a residential interior decorator unless such person
21 submits satisfactory proof that such person has passed: (1) The
22 uniform national examination established by the Council for
23 Qualification of Residential Interior Designers, or (2) any other
24 examination with standards or requirements equal to or greater than
25 those established by said council, as determined by the Commissioner
26 of Consumer Protection.

27 (b) The commissioner may issue a certificate of registration as a
28 residential interior decorator, without examination, to any person who
29 is currently registered or licensed in another state having registration
30 or licensing standards or requirements equal to or greater than the
31 standards or requirements established in sections 3 to 5, inclusive, of
32 this act.

33 Sec. 5. (NEW) (*Effective July 1, 2008*) (a) Upon receipt of a completed
34 application, satisfactory proof and fee pursuant to sections 3 and 4 of
35 this act, the Commissioner of Consumer Protection shall: (1) Issue and
36 deliver to the applicant a certificate of registration as a residential
37 interior decorator; or (2) refuse to issue such certificate. The
38 commissioner may suspend, revoke or refuse to issue or renew any
39 such certificate for any of the reasons stated in section 8 of this act.

40 (b) Upon refusal to issue a certificate, the commissioner shall notify
41 the applicant of the denial and of the applicant's right to request a
42 hearing not later than ten days after the date of receipt of the notice of
43 denial.

44 (c) If the applicant requests a hearing within such ten days, the

45 commissioner shall give notice of the grounds for the commissioner's
46 refusal and shall conduct a hearing concerning such refusal in
47 accordance with the provisions of chapter 54 of the general statutes
48 concerning contested cases.

49 Sec. 6. (NEW) (*Effective July 1, 2008*) A certificate of registration as a
50 residential interior decorator shall be evidence that the person named
51 in the certificate is entitled to the rights and privileges of a registered
52 residential interior decorator while such certificate remains in effect.
53 The Commissioner of Consumer Protection shall keep a roster of the
54 names and addresses of all registered residential interior decorators.
55 Annually during the month of September, the commissioner shall
56 place such roster on file with the Secretary of the State and with the
57 building department and library of each town. The commissioner shall
58 maintain an index and record of each certificate of registration. A
59 certificate shall remain in effect until revoked or suspended as
60 provided in section 8 of this act.

61 Sec. 7. (NEW) (*Effective July 1, 2008*) (a) A registered residential
62 interior decorator shall exhibit his or her certificate of registration upon
63 request by any interested party.

64 (b) No person shall: (1) Present or attempt to present, as his or her
65 own, the certificate of another, (2) knowingly give false evidence of a
66 material nature to the Commissioner of Consumer Protection for the
67 purpose of procuring a certificate, (3) use or attempt to use a certificate
68 which has expired or which has been suspended or revoked, (4)
69 represent himself or herself falsely as, or impersonate, a registered
70 residential interior decorator, or (5) include his or her certificate
71 number as a part of any advertisement or represent in any manner that
72 his or her certificate of registration constitutes an endorsement of the
73 quality of his or her workmanship or of his or her competency by the
74 commissioner.

75 (c) Certificates of registration issued to a residential interior
76 decorator shall not be transferable or assignable.

77 (d) All certificates of registration issued under the provisions of
78 section 5 of this act shall expire annually.

79 (e) The fee for renewal of a certificate of registration as a residential
80 interior decorator shall be one hundred dollars.

81 Sec. 8. (NEW) (*Effective July 1, 2008*) (a) The commissioner may
82 revoke or suspend any certificate of registration as a residential
83 interior decorator for: (1) Conduct of a character likely to mislead,
84 deceive or defraud the public or the commissioner; or (2) gross
85 incompetence.

86 (b) The commissioner shall not revoke or suspend any certificate of
87 registration as a residential interior decorator except upon notice and
88 hearing in accordance with chapter 54 of the general statutes.

89 Sec. 9. (NEW) (*Effective October 1, 2008*) (a) As used in this section:

90 (1) "Branch" means any business location of a locksmith, other than
91 the principal place of business of such locksmith.

92 (2) "Commissioner" means the Commissioner of Consumer
93 Protection.

94 (3) "Department" means the Department of Consumer Protection.

95 (4) "Locksmith" means a person engaged in locksmithing.

96 (5) "Locksmithing" means the inspection, installation,
97 recombination, rekeying, service or repair of locks or locking devices,
98 but does not include: (A) The recombination or rekeying of locks or
99 cylinders by an employee of a retail or wholesale establishment on an
100 employer's property; (B) the installation or repair of locks by a person
101 registered pursuant to chapter 393c of the general statutes or registered
102 pursuant to chapter 400 of the general statutes incidental to the
103 construction of a building; (C) the installation, maintenance, repair or
104 service of a vending machine; (D) the duplication or selling of keys or
105 selling of equipment used to duplicate keys at a retail establishment; or

106 (E) work performed by a person at such person's own residence.

107 (6) "Registration" means a document or card issued by the
108 Department of Consumer Protection to a locksmith which certifies that
109 such locksmith has completed an application form, paid the required
110 registration fee, has successfully passed the required criminal history
111 records check, is not otherwise barred from becoming a locksmith and
112 has been added to the registry of locksmiths, as established in
113 subsection (b) of this section.

114 (b) (1) A person seeking registration as a locksmith shall apply to
115 the commissioner on a form provided by the commissioner. The
116 application shall include the applicant's name, residence address,
117 business address, business telephone number, a question as to whether
118 the applicant has been convicted of a felony in any state or jurisdiction,
119 and such other information as the commissioner may require. The
120 applicant shall submit to a request by the commissioner for a recent
121 criminal history records check. No registration shall be issued unless
122 the commissioner has received the results of a such records check. In
123 accordance with the provisions of section 46a-80 of the general statutes
124 and after a hearing held pursuant to chapter 54 of the general statutes,
125 the commissioner may revoke, refuse to issue or refuse to renew a
126 registration when an applicant's criminal history records check reveals
127 the applicant has been convicted of a crime of dishonesty, fraud, theft,
128 assault, other violent offense or a crime related to the performance of
129 locksmithing.

130 (2) The application fee for registration as a locksmith and the
131 biennial renewal fee for such registration shall be two hundred dollars.

132 (3) The department shall establish and maintain a registry of
133 locksmiths. The registry shall contain the names and addresses of
134 registered locksmiths and such other information as the commissioner
135 may require. Such registry shall be updated at least annually by the
136 department, be made available to the public upon request and be
137 published on the department's Internet web site.

138 (4) No person shall engage in locksmithing, use the title locksmith
139 or display or use any words, letters, figures, title, advertisement or
140 other method to indicate said person is a locksmith unless such person
141 has obtained a registration as provided by this section.

142 (5) The following persons shall be exempt from registration as a
143 locksmith, but only if the person performing the service does not hold
144 himself or herself out to the public as a locksmith: (A) Persons
145 employed by a state, municipality or other political subdivision, or by
146 any agency or department of the government of the United States,
147 acting in their official capacity; (B) automobile service dealers who
148 service, install, repair or rebuild automobile locks; (C) retail merchants
149 selling locks or similar security accessories or installing, programming,
150 repairing, maintaining, reprogramming, rebuilding or servicing
151 electronic garage door devices; (D) members of the building trades
152 who install or remove complete locks or locking devices in the course
153 of residential or commercial new construction or remodeling; (E)
154 employees of towing services, repossessioners, or an automobile club
155 representative or employee opening automotive locks in the normal
156 course of his or her business. The provisions of this section shall not
157 prohibit an employee of a towing service from opening motor vehicles
158 to enable a vehicle to be moved without towing, provided the towing
159 service does not hold itself out to the public, by directory
160 advertisement, through a sign at the facilities of the towing service or
161 by any other form of advertisement, as a locksmith; (F) students in a
162 course of study in locksmith programs approved by the department;
163 (G) warranty services by a lock manufacturer or its employees on the
164 manufacturer's own products; (H) maintenance employees of a
165 property owner or property management companies at multi-family
166 residential buildings, who service, install, repair or open locks for
167 tenants; and (I) persons employed as security personnel at schools or
168 institutions of higher education who open locks while acting in the
169 course of their employment.

170 (c) (1) Each person engaging in locksmithing shall: (A) Exhibit such
171 person's registration or a copy thereof at the person's place of business

172 and any branch, in a location visible to the general public, (B) exhibit
173 such person's registration upon request by any interested party, and
174 (C) include such person's registration number in any advertisement.

175 (2) No person shall: (A) Present or attempt to present, as such
176 person's own, the registration of another, (B) knowingly give false
177 evidence of a material nature to the commissioner for the purpose of
178 procuring a registration, (C) represent himself or herself falsely as, or
179 impersonate, a registered locksmith, (D) knowingly use or attempt to
180 use a registration which has expired or which has been suspended or
181 revoked, (E) offer to undertake any locksmith service without having a
182 current registration required under this chapter, (F) represent in any
183 manner that such person's registration constitutes an endorsement of
184 the quality of such person's workmanship or of such person's
185 competency by the commissioner, (G) employ or allow any person to
186 act as a salesman on such person's behalf unless such salesman is in
187 the direct employ of such person, or (H) represent or advertise a
188 location or branch as a place of business without obtaining the right to
189 occupy such location.

190 (d) Registrations issued to locksmiths pursuant to this section shall
191 not be transferable or assignable.

192 (e) All registrations issued under the provisions of this section shall
193 expire biennially.

194 (f) Failure to receive a notice of registration expiration or a renewal
195 application shall not exempt a locksmith from the obligation to renew
196 his or her registration.

197 (g) The commissioner may adopt regulations, in accordance with
198 chapter 54 of the general statutes, to carry out the provisions of this
199 section.

200 (h) The commissioner may conduct investigations and hold
201 hearings on any matter subject to the provisions of this section. The
202 commissioner may issue subpoenas, administer oaths, compel

203 testimony and order the production of books, records and documents
204 in connection with such investigations. If any person refuses to appear,
205 to testify or to produce any book, record, paper or document when so
206 ordered, upon application of the commissioner or the Attorney
207 General, a judge of the Superior Court may make such order as may be
208 appropriate to aid in the enforcement of this section. The Attorney
209 General, at the request of the commissioner, is authorized to apply in
210 the name of the state of Connecticut to the Superior Court for an order
211 temporarily or permanently restraining and enjoining any person from
212 violating any provision of this section.

213 (i) The commissioner may revoke, suspend, place conditions on, or
214 refuse to renew a registration issued pursuant to this section for: (1)
215 Conduct of a character likely to mislead, deceive or defraud the public
216 or the commissioner; (2) engaging in any untruthful or misleading
217 advertising; (3) unfair or deceptive business practices; (4) gross
218 incompetence; or (5) violations of any of the provisions of this section
219 or any regulation adopted pursuant to any of such provisions.

220 (j) The commissioner may, after notice and hearing in accordance
221 with the provisions of chapter 54 of the general statutes, impose a civil
222 penalty on any person who engages in or practices the work or
223 occupation for which a registration is required by this section without
224 having first obtained such a registration, or who wilfully employs or
225 supplies for employment a person who does not have such a
226 registration, or who wilfully and falsely pretends to qualify to engage
227 in or practice such work or occupation, or who engages in or practices
228 any of the work or occupations for which a registration is required by
229 this section after the expiration of such person's registration, or who
230 violates any of the provisions of this section or the regulations adopted
231 pursuant thereto. Such penalty shall be in an amount not more than
232 five hundred dollars for a first violation of this subsection, not more
233 than seven hundred fifty dollars for a second violation of this
234 subsection occurring not more than three years after a prior violation,
235 and not more than one thousand five hundred dollars for a third or
236 subsequent violation of this subsection occurring not more than three

237 years after a prior violation. Any penalty collected pursuant to this
238 subsection shall be deposited in the consumer protection enforcement
239 account established in section 21a-8a of the general statutes.

240 (k) A violation of any of the provisions of this section shall be
241 deemed an unfair or deceptive trade practice under subsection (a) of
242 section 42-110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>July 1, 2008</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section
Sec. 5	<i>July 1, 2008</i>	New section
Sec. 6	<i>July 1, 2008</i>	New section
Sec. 7	<i>July 1, 2008</i>	New section
Sec. 8	<i>July 1, 2008</i>	New section
Sec. 9	<i>October 1, 2008</i>	New section

GL *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Consumer Protection, Dept.	GF - Cost	180,000	174,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	88,000	88,000
Consumer Protection, Dept.	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in an estimated state cost of \$268,000 in FY 09 and \$262,000 in FY 10 due to the need for additional staff and fringe benefits in the Department of Consumer Protection associated with the requirements for interior decorators. The staffing needs include two Special Investigators and one License and Application Analyst. The Department's License Services Division would have to process additional applications in order to issue these new registrations while the Trade Practices Division would be responsible for the enforcement aspects of the bill. There is no fiscal impact associated with the bill's requirements for locksmiths due to the small number of potential applicants.

The bill also results in a minimal potential revenue gain due to Connecticut Unfair Trade Practices Act (CUTPA) violations.

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5774*****AN ACT CONCERNING RESIDENTIAL INTERIOR DECORATORS
AND THE REGISTRATION OF LOCKSMITHS.*****SUMMARY:**

This bill requires residential interior decorators and locksmiths to register with the Department of Consumer Protection (DCP). For each trade, it establishes registration procedures, sets grounds for discipline, and authorizes discipline.

EFFECTIVE DATE: July 1, 2008, except for the provisions on locksmiths, which are effective on October 1, 2008

RESIDENTIAL INTERIOR DECORATORS

This bill requires residential interior decorators to register with DCP. It defines a "residential interior decorator" as a person who provides decorator services for single-family private dwellings. The bill prohibits anyone who is not registered from using the title "residential interior decorator" or displaying any words, letters, or other device to indicate that he or she is one. It requires registrants to display their certificates on request by any interested party. The law already requires "interior designers" to register with DCP (see BACKGROUND).

Registration

The bill requires applicants to apply in writing to DCP on a form the commissioner provides. The application must include the applicant's name, residence and business addresses, and other information DCP requires by regulation. The application fee is \$150. Applicants must show that they have passed (1) the uniform national examination established by the Council for Qualification of Residential Interior

Designers or (2) another examination with standards or requirements the consumer protection commissioner deems equivalent or better.

The commissioner may register without examination anyone registered or licensed by another state with standards equal to or greater than Connecticut's.

The commissioner may issue or deny an application. If an application is approved, the commissioner must issue a certificate of registration, which is evidence that its holder is entitled to the rights and privileges of a residential interior decorator. If an application is denied, the commissioner must notify the applicant of the denial and of the right to request a hearing within 10 days after receiving the denial notice. If the applicant requests a hearing, the commissioner must inform the applicant of the grounds for the denial and conduct a hearing in accordance with the contested case procedures of the Uniform Administrative Procedure Act (UAPA).

Registrations are annual. The renewal fee is \$100. Registrations are not transferable or assignable.

DCP Duties

The bill requires the commissioner to (1) keep a roster of the names and addresses of all registered residential interior decorators and (2) file the roster with the secretary of the state and each municipality's building department and library each September. Further, the bill requires the commissioner to keep an index and record of each registration.

Prohibited Conduct

The bill prohibits anyone from:

1. presenting or attempting to present another's registration as one's own;
2. knowingly giving false evidence of a material nature to DCP to obtain a registration;

3. using or attempting to use an expired, suspended, or revoked registration;
4. representing oneself falsely as a residential interior decorator; or
5. including a registration number as part of an advertisement or representing that it constitutes an endorsement of the quality of workmanship by the consumer protection commissioner.

Discipline

The bill authorizes the commissioner, after notice and hearing in accordance with the UAPA, to suspend, revoke, or refuse to issue or renew a registration for (1) conduct likely to mislead, deceive, or defraud the public or the commissioner or (2) gross incompetence.

LOCKSMITHING

The bill requires anyone engaged in locksmithing to register with DCP. The application fee and the biennial renewal fee are \$200 each. It prohibits anyone who is not registered from engaging in locksmithing; using the title “locksmith;” or using any words, letters, figures, title, advertisement, or other method to indicate he or she is a locksmith. Registrations are not transferable or assignable. The bill requires registered locksmiths to renew their registration even if they did not receive a notice of expiration or a renewal application.

“Locksmithing” is inspecting, installing, recombining, rekeying, servicing, or repairing locks or locking devices.

The bill authorizes DCP to adopt implementing regulations.

Registration

The bill requires applicants to apply in writing to DCP on a form the commissioner provides. The application must include: the applicant’s name; residence and business addresses; and business telephone number, whether they have been convicted of a felony in any state or jurisdiction, and other DCP-required information.

The bill requires applicants to agree to a recent criminal history

records check and prohibits DCP from registering an applicant without the results of such a check. The bill authorizes the commissioner to revoke or refuse to issue or renew a registration if an applicant's criminal history records check reveals that the applicant has been convicted of a crime of dishonesty, fraud, theft, assault, other violent offense, or a crime related to engaging in locksmithing in accordance with the law on denial of a state credential based on a prior conviction and after a hearing held according to the UAPA (see BACKGROUND).

Registry

The bill requires DCP to establish a locksmith registry containing the names and addresses of registered locksmiths and other information determined by the DCP commissioner. It must be (1) updated at least annually, (2) available to the public upon request, and (3) published on DCP's web site.

Locksmith Requirements

The bill requires registered locksmiths to (1) display their registration, or a copy of it, at their place of business and at any branch where it is visible to the public; (2) show it on request; and (3) include their registration number in advertisements. The bill defines "registration" as a DCP-issued document or card that certifies that the locksmith (1) has completed an application form and paid the registration fee, (2) successfully passed the required criminal history records check, (3) is not otherwise barred from becoming a locksmith, and (4) has been added to the registry of locksmiths.

Prohibited Activities

The bill prohibits:

1. presenting or attempting to present another's registration as one's own;
2. knowingly giving false evidence of a material nature to the DCP commissioner to obtain a registration;
3. representing himself or herself falsely as a registered locksmith;

4. knowingly using or attempting to use an expired, suspended, or revoked registration;
5. offering to perform a locksmith service without having a current registration;
6. representing in any way that a registration constitutes an endorsement of the quality of workmanship or competency by the DCP commissioner;
7. employing or allowing a person to act as a salesman unless he or she is directly employed by the locksmith; or
8. advertising a location or branch as a place of business without having the right to occupy it.

Enforcement

The bill authorizes DCP to (1) investigate and hold hearings on any matter related to locksmith registration and (2) issue subpoenas, administer oaths, compel testimony, and order the production of documents as part of the investigations.

The bill authorizes the DCP commissioner or the attorney general to apply to Superior Court for appropriate enforcement orders if anyone refuses to appear, testify, or produce any document when ordered. The bill authorizes the attorney general, at the commissioner's request, to apply to Superior Court for temporary or permanent restraining orders.

Grounds for Discipline

The bill authorizes DCP to revoke, suspend, place conditions on, or refuse to renew a registration for:

1. conduct likely to mislead, deceive, or defraud the public or the commissioner;
2. engaging in any untruthful or misleading advertising;

3. unfair or deceptive business practices;
4. gross incompetence; or
5. violating any provision of the locksmith registration law.

Penalties

The bill empowers the DCP commissioner, after notice and hearing held in accordance with the UAPA, to impose a civil penalty on any person who:

1. engages in locksmithing without a registration,
2. willfully employs or supplies for employment an unregistered person,
3. willfully and falsely pretends to qualify as a locksmith,
4. engages in locksmithing with an expired registration, or
5. violates any provisions of the locksmithing registration law.

The penalty may be (1) up to \$500 dollars for a first violation, (2) up to \$750 for a second violation occurring within three years after a prior violation, and (3) up to \$1,500 for a third or subsequent violation occurring within three years after a prior violation. Proceeds from imposing these penalties must be deposited in the Consumer Protection Enforcement Account (see BACKGROUND).

Additionally, the bill makes a violation of its locksmith registration provisions an unfair trade practice (see BACKGROUND).

Exempt Activities and Individuals

The bill exempts the following activities:

1. recombining or rekeying locks or cylinders by a retail or wholesale employee on an employer's property;
2. installing or repairing locks by a registered major contractor or

home improvement contractor incidental to the construction of a building;

3. installing, maintaining, repairing, or servicing a vending machine;
4. selling or duplicating keys or selling key-duplicating equipment by a retail store; and
5. working on one's own residence.

It additionally exempts the following people, if they do not represent themselves as locksmiths:

1. people employed by a state, municipality, or other political subdivision, or by a federal agency or department, acting in their official capacity;
2. automobile service dealers who service, install, repair, or rebuild automobile locks;
3. retail merchants selling locks or similar security accessories or installing, programming, repairing, maintaining, reprogramming, rebuilding, or servicing electronic garage door devices;
4. members of the building trades who install or remove complete locks or locking devices in the course of residential or commercial new construction or remodeling;
5. employees of towing services, repossessioners, or an automobile club representative or employee opening automotive locks in the normal course of his or her business. (The bill specifies that it exempts towing service employees who open a motor vehicle to move it without towing.);
6. locksmithing students in DCP-approved programs;
7. warranty services by a lock manufacturer on its own products;

8. maintenance employees of property owners or property management companies at multi-family residential buildings, who service, install, repair, or open locks for tenants; and
9. security personnel at schools or institutions of higher education who open locks in the course of their employment.

BACKGROUND

Registered Interior Designers

The law already requires “interior designers” to register with DCP. It requires applicants to have passed the national examination established by the National Council for Interior Design Qualification. The law defines “interior designer” as someone who is qualified by education, experience, and examination to:

1. identify, research, and creatively solve problems relating to the function and quality of interiors;
2. perform services relative to interiors, including programming; design analysis; space planning; aesthetics; and using specialized knowledge of non-load-bearing interior construction, building systems and components, building codes, equipment, materials, and furnishings; and
3. prepare plans and specifications for non-load-bearing interior construction, materials, finishes, space planning, reflected ceiling plans, furnishings, fixtures, and equipment relating to interior design to enhance and protect the public health, safety and welfare (CGS § 20-377k).

Felony Conviction

The law provides that no one may be disqualified from practicing or engaging in any profession or trade for which a credential is required solely because of a prior conviction unless the credentialing agency considers (1) the nature of the crime and its relationship to the job, (2) the degree of rehabilitation, and (3) the time since the conviction or release and determines that the applicant is not suitable for the specific

profession or trade (CGS § 46a-80).

Consumer Protection Enforcement Account

The statutorily established account is funded with revenue generated from imposing fines for licensing law violations and with up to \$400,000 per year from the Home Improvement Guaranty Fund. DCP must use the account “to fund positions and other related expenses” to enforce the licensing and registration laws it administers (CGS § 21a-8a).

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. The act also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 16 Nay 3 (03/11/2008)